

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OMAR RASHAD POUNCY,

Petitioner,

Case No. 13-cv-14695
Hon. Matthew F. Leitman

v.

MATT MACAULEY,

Respondent.

/

**ORDER (1) DENYING PETITIONER’S MOTION FOR
RECONSIDERATION (ECF No. 454) AND (2) TERMINATING
APPEARANCE OF ATTORNEY AARON KATZ**

Petitioner Omar Rashad Pouncy’s treatment of his attorney, Aaron Katz, exemplifies the old adage that “no good deed goes unpunished.”

In 2019, Katz took on the *pro bono* representation of Pouncy in this complex and lengthy habeas case. Katz was willing to enter the case even though Pouncy had been credibly accused of suborning perjury. (*See* Respondent Mot. to Dismiss, ECF No. 238.) Upon entering the case, Katz quickly mastered the lengthy factual record and complex legal doctrines at play. He then provided an exceptionally-high level of representation to Pouncy at numerous hearings and conferences before the Court and in numerous written filings with the Court. Indeed, Katz won Pouncy significant habeas relief in this case. Furthermore, Katz maintained the highest level of civility

and professionalism while zealously representing Pouncy at every turn of these proceedings. And Katz did it all for free.

So how does Pouncy show his gratitude for the huge amount of time that Katz spent providing him first-rate legal services at no cost? By filing a motion in which he unfairly accuses Katz of “abandon[ing]” him as of at least June 28, 2021. (*See* Mot. for Reconsid., ECF No. 454.) Since June 28, 2021, Katz has, among other things, (1) traveled from Boston, Massachusetts, to the federal courthouse in Flint, Michigan, to personally participate in a settlement conference in this case, (2) participated in numerous telephonic and/or video status conferences with the Court, and (3) filed an opposition to Respondent’s motion for a stay pending appeal. Katz has not “abandoned” Pouncy in any sense of the word.

The Court now turns to the merits of Pouncy’s motion. In the motion, he seeks reconsideration of an order entered by this Court (ECF No. 453) granting Respondent a stay of certain habeas relief awarded to Pouncy and denying Pouncy’s motion to stay the remainder of his state sentence. (*See* Pouncy Mot. For Reconsid., ECF No. 454.) The Court will **DENY** the motion. Pouncy does not present any argument as to how the Court erred in granting Respondent’s motion for a stay and denying his motion to stay the remainder of his state sentence. Instead, he seeks permission to file a second motion for reconsideration – beyond the time period set

forth in the Court's Local Rules – either once he retains new counsel or *pro se* if he does not retain new counsel.

The Court is done considering motions and filings from Pouncy unless and until the United States Court of Appeals for the Sixth Circuit sends the case back to this Court for further proceedings. The Court has spent hundreds of hours on this case over many years. It has exhaustively reviewed all of Pouncy's arguments – including those opposing Respondent's request for a stay pending appeal and supporting his request to stay his sentence. If Pouncy believes the Court erred in ruling on those matters (or any others in this case), he should present his arguments to the Sixth Circuit. The time has come for these proceedings to move entirely to that court.

Finally, the Court **TERMINATES** the Appearance of Aaron Katz as counsel for Pouncy in these district court proceedings.¹ Pouncy says he no longer wants Katz to represent him. So be it. That is Pouncy's very substantial loss.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 1, 2022

¹ This order, of course, has no impact on any Appearance Katz may have entered as counsel for Pouncy in the Sixth Circuit.

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 1, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126